

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

PROBATE COURT

IN THE MATTER OF

CASE NUMBER

ELECTION BY SURVIVING SPOUSE TO TAKE ELECTIVE SHARE

The undersigned, _____, alleges:

1. I am the surviving spouse of the decedent in this matter, who died on or about _____, while domiciled in the State of South Carolina.
2. I elect to take my elective share of the decedent's estate.
3. This election is made within the later of eight months after the date of death or within six months after the probate of the decedent's Will.

Executed this ____ day of _____, ____.

Signature: _____

Name: _____

Address: _____

Telephone (O): _____

(H): _____

Attorney: _____

Address: _____

Telephone: _____

NOTICE OF ELECTION FOR ELECTIVE SHARE

Notice is hereby given that an Election for Elective Share has been filed by _____, surviving spouse of _____, deceased, praying for the computation of the estate and a determination of the elective share of the Petitioner, and further praying for an order apportioning the balance due, if any, of the elective share of the Petitioner, which matter will be heard in this Court on the ____ day of _____, _____, at ____ o'clock ____m.

ORDER FOR HEARING

IT IS ORDERED that a hearing on this matter be set for:

DATE:

TIME:

PLACE:

(Order Continued on Next Page)

Case Number:

Pursuant to SCPC Section 1-401, the petitioner is ordered to give notice of this hearing to all interested persons at least twenty (20) days prior to the hearing date.

Executed this ____ day of _____, ____.

Francis M. Kirk
Probate Court Judge

ORDER

On the petition of the surviving spouse of the decedent in this matter for an order determining the elective share of the surviving spouse in this estate and upon hearing, the Court finds that all interested persons have been served proper notice of hearing, or have waived notice thereof; that the material allegations of the petition are true; that _____ is the surviving spouse of the Decedent, who died a resident of _____ County, South Carolina on the ____ day of _____, ____; and that on the ____ day of _____, _____, being within the time prescribed by law, the surviving spouse filed an election to take the elective share in accordance with the laws of the State of South Carolina.

IT IS HEREBY ORDERED that the amount of the elective share to which the surviving spouse is entitled is \$_____.

IT IS FURTHER ORDERED that the Personal Representative(s) in this matter is directed on or before _____, to distribute to the surviving spouse the following assets of the estate in the following manner in satisfaction of the elective share.

Executed this ____ day of _____, ____.

Francis M. Kirk
Probate Court Judge

ORDER FOR DISAPPROVAL OR DENIAL

Upon hearing, **IT IS HEREBY ORDERED** that the above petition be denied as follows:

Executed this ____ day of _____, ____.

Francis M. Kirk
Probate Court Judge

This form has been approved by the Supreme Court for use in the specified action. It is not mandatory for the action, however and is, therefore, designated "SAMPLE".